THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.23213 of 2005

Date:31-01-2006

Between:

M.S.Reddy, S/o.Ramana Reddy.

..... **Petitioner**

and

The Regional Manager, APSRTC,

Warangal Region, Warangal District and others.

..... **Respondents**

ORDER:

The petitioner is employed as a driver in APSRTC. He was issued a charge-sheet, dated 26.06.2000, alleging that the petitioner caused an accident, while performing his duties on 01-05-2000, and that he was required to submit the explanation as to why necessary disciplinary action shall not be taken against him. The petitioner submitted his explanation on 08-07-2000. On a consideration of the same, the 3rd respondent passed an order, dated 20.09.2000, imposing the punishment of deferment of annual increment for a period of one year with cumulative effect. The petitioner challenges the same.

The only point urged by Sri G.Ravi Mohan, the learned counsel for the petitioner, is that the 3rd respondent imposed the punishment of deferment of annual increment for a period of one year with cumulative effect, without

conducting departmental enquiry. He placed reliance upon the judgment of the Apex Court in ***KULWANTH SINGH GILL v. STATE OF PUNJAB*** and submits that deferment of increment is a major penalty and it cannot be imposed, except by conducting departmental enquiry.

Smt.P.Rajani Reddy, the learned Standing Counsel appearing for the respondents, on the other hand, submits that the punishment imposed against the petitioner itself is minimal, if the lapse on his part is taken into account.

It is a matter of record that the 3rd respondent imposed the punishment of deferment of annual increment for a period of one year with cumulative effect on the basis of the charges levelled against him. Though the charge-sheet was issued to the petitioner, before the punishment was imposed, no departmental enquiry was conducted. I n ***KULWANTH SINGH GILL's case*** (supra), the Supreme Court held that deferment of increments with cumulative effect, is a major penalty, and it cannot be imposed, except by conducting departmental enquiry. In view of the same, the impugned order cannot be sustained.

In the ordinary course of things, the impugned order needs to be set aside, leaving it open to the 3rd respondent to pass fresh orders. To avoid further delay and complication in the matter, this Court is of the view that the impugned order can be treated, as the one for deferment of annual increment, for a period of one year, without cumulative effect.

Hence, the writ petition is partly allowed, directing that the order, dated 20.09.2000, passed by the 3rd respondent, shall be treated as the one for deferment of annual increment, for a period of one year, without cumulative effect, and that the petitioner shall not be entitled for any monetary benefits up to the date of this order. There shall be no order as to costs.

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31-01-2006

Prv